

## Message Text

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53

ACTION DLOS-06

INFO OCT-01 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01

CG-00 DOTE-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15

CEQ-02 COA-02 COME-00 EB-11 EPA-04 IO-14 NSF-04

SCI-06 FEA-02 ACDA-19 AEC-11 AGR-20 FMC-04 INT-08

JUSE-00 OMB-01 TRSE-00 OIC-04 AECE-00 DRC-01 /266 W  
----- 013786

P R 090945Z APR 74

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC PRIORITY 6502

INFO AMEMBASSY ADDIS ABABA

AMEMBASSY CARACAS

AMEMBASSY DAR ES SALAAM

AMEMBASSY LONDON

AMEMBASSY MADRID

AMEMBASSY MANAGUA

AMEMBASSY YAOUNDE

USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L NAIROBI 2966

DEPT. PASS OTHER POSTS AS APPROPRIATE

E.O. 11652: GDS

TAGS: PBOR

SUBJECT: LOS: GROUP OF 77 MEETING, NAIROBI, MARCH 25 - APRIL 5:  
FINAL REPORT

REF: NAIROBI 2692

SUMMARY: GROUP OF 77 CONCLUDED THEIR LOS MEETING APRIL 5  
WITHOUT BEING ABLE AGREE TO ANY STATEMENT OF COMMON PRINCIPLES.  
MAJOR STUMBLING BLOCK WAS HEATED DISAGREEMENT BETWEEN LANDLOCKED  
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AND COASTAL STATES, BUT MEDIAN LINE ISSUE AND DELIMITATION OF

ARCHIPELAGOES ALSO CONTENTIOUS ISSUES. INNOCENT PASSAGE THROUGH TERRITORIAL SEAS, INCLUDING INTERNATIONAL STRAITS, BROADLY SUPPORTED, BUT WITH ADDED PROVISIO OF QTE OBJECTIVE CRITERIA UNQTE TO BE NEGOTIATED AT CARACAS. JAMAICA OFFERED TO HOST HEADQUARTERS OF PROPOSED INTERNATIONAL AUTHORITY. EMBASSY POUCHING DEPT. AND USUN COPIES OF WORKING PAPERS, LISTS OF DELEGATES FOR NAIROBI GROUP OF 77 AND KAMPALA LANDLOCKED MEETINGS AND TEXT KAMPALA DECLARATION. END SUMMARY.

1. DESPITE TWO WEEKS OF INTENSIVE WORK, INCLUDING EFFORTS BY TWO SUCCESSIVE COMMITTEES, DELEGATES FROM 76 MEMBER COUNTRIES OF GROUP OF 77 CONCLUDED THEIR LOS MEETING APRIL 5 WITHOUT BEING ABLE TO ISSUE ANY STATEMENT OF COMMON PRINCIPLES. MAJOR STUMBLING BLOCK WAS HEATED DISAGREEMENT BETWEEN LANDLOCKED STATES, WHICH UNITED BEHIND QTE KAMPALA DECLARATION UNQTE INSISTENCE THAT ACCESS TO SEA AND ITS RESOURCES WAS THEIR QTE RIGHT UNQTE UNDER INTERNATIONAL LAW, AND COASTAL STATES, WHICH WERE PREPARED ONLY TO RECOGNIZE NEED TO NEGOTIATE ARRANGEMENTS THAT WOULD INCLUDE BENEFITS FOR LANDLOCKED. AS RESULT, IMPASSE DEVELOPED OVER THOSE SECTIONS DEALING WITH LANDLOCKED STATES' ACCESS TO SEA AND ITS RESOURCES, INCLUDING SECTIONS DESCRIBING PROPOSED ECONOMIC ZONE.

2. STRONG DISAGREEMENT ALSO AROSE OVER MEDIAN LINE QUESTION, WITH CYPRUS (ACTING ALSO ON BEHALF GREECE) FAVORING MEDIAN LINE AND TURKEY, TUNISIA AND VENEZUELA OPPOSING. TUNISIA MAINTAINED THAT CASES OF OVERLAPPING TERRITORIAL LIMITS SHOULD BE RESOLVED BY BILATERAL AGREEMENTS RATHER THAN BY MEDIAN LINE PRINCIPLE.

3. SOME DISPUTE ALSO AROSE OVER DELIMITATION OF ARCHIPELAGOES, WITH INDONESIA AND PHILIPPINES BACKING BROAD CONCEPT INCLUDED IN DRAFT WORKING PAPER AND VIETNAM, KHMER REPUBLIC, SINGAPORE, THAILAND AND MALAYSIA OPPOSING. SECITON REJECTED WHEN INDIA THREW ITS WEIGHT ON SIDE OF OPPOSITION. AS INDICATED BY ABOVE, GROUPINGS FORMED MORE ON BASIS OF ISSUES THAN ALONG GEOGRAPHIC LINES.

4. ACCORDING EMBASSY SOURCES, THERE WAS GENERAL CONCENSUS IN FAVOR OF INNOCENT PASSAGE THROUGH TERRITORIAL SEAS, INCLUDING CONFIDENTIAL

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STRAITS USED FOR INTERNATIONAL NAVIGATION, BUT WITH ADDED PROVISIO THAT QTE REGIME OF PASSAGE THROUGH SUCH STRAITS SHALL BE ESTABLISHED IN ACCORDANCE WITH OBJECTIVE CRITERIA UNQTE WHICH ARE TO BE NEGOTIATED AT CARACAS. STATEMENTS ON NEED TO PRESERVE MARINE ENVIRONMENT AND TO PROMOTE SCIENTIFIC RESEARCH AND TRANSFER OF TECHNOLOGY ALSO BROADLY SUPPORTED, ALTHOUGH DRAFT WORKING PAPERS INCLUDED REQUIREMENT OF COASTAL STATE CONSENT FOR RESEARCH WITHIN AREA OF ITS NATIONAL JURIS-

DICTION.

5. WHILE THERE WAS BROAD SUPPORT FOR CONCEPT OF DEEP SEABED RESOURCES BEING COMMON HERITAGE OF MANKIND, SECTION IN DRAFT WORKING PAPER ON INTERNATIONAL AUTHORITY EMPOWERED TO EXPLORE AND EXPLOIT THESE RESOURCES WAS REPORTEDLY REJECTED BY LANDLOCKED BECAUSE IT DID NOT ADEQUATELY SPELL OUT THEIR RIGHTS. INTERESTING DEVELOPMENT THIS REGARD WAS JAMAICA'S OFFER TO HOST HEADQUARTERS OF INTERNATIONAL AUTHORITY, AN OFFER WHICH WAS QTE NOTED WITH APPRECIATION UNQTE BUT WITHOUT COMMITMENT.

6. IN EFFORT NARROW DIFFERENCES APPARENT WORKING DRAFT PREPARED IN ADVANCE IN NEW YORK (COPIES POUCHED DEPT. AND USUN MARCH 29), GROUP OF 77 DELEGATES APPOINTED AN AD HOC COMMITTEE OF TEN (ARGENTINA, BANGLADESH, BRAZIL, INDIA, KENYA, MEXICO, PAKISTAN, PERU, SENEGAL AND VENEZUELA) TO REDRAFT WORKING PAPER. IT WAS THIS DRAFT (BEING POUCHED APRIL 9) THAT IN TURN RAN INTO DIFFICULTIES CITED ABOVE. IN EFFORT RESOLVE IMPASSE, YET ANOTHER COMMITTEE FORMED (AFGHANISTAN, BOLIVIA, COLUMBIA, FIJI, INDIA, KENYA, NEPAL, PERU, SENEGAL, TANZANIA, TUNISIA, UGANDA AND VENEZUELA) WITH HEAVY LANDLOCKED REPRESENTATION, BUT ITS EFFORTS APPARENTLY NEVER GOT OFF THE GROUND. AS RESULT, MEETING ENDED WITHOUT ANY APPROVED DOCUMENT. PROCEDURE NOW IS FOR WORKING GROUP CHAIRMAN NJENGA TO PREPARE FINAL REPORT ON MEETING AND CIRCULATE IT TO PARTICIPANTS FOR INFORMATION AND COMMENT. PROCESS OF QTE CONSULTATION UNQTE WILL CONTINUE DURING FIRST WEEK OF CARACAS LOS MEETING. EMBASSY WILL ENDEAVOUR OBTAIN COPY NJENGA'S REPORT AND FORWARD IT TO DEPT. AND USUN AS SOON AS POSSIBLE.

7. KENYA, AS HOST STATE, REPORTEDLY PLAYED NEUTRAL BROKER  
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ROLE IN PROCEEDINGS. NJENGA WAS ACTIVE AS WORKING GROUP CHAIRMAN OF PLENARY, SELDOM IN EVIDENCE. PLENARY VICE-CHAIRMEN WERE COLUMBIA'S AMBASSADOR ZULETA FROM NEW YORK AND IRAN'S AMBHDNTTY KAZEMI BASED HERE IN NAIROBI.  
MARSHALL

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## Message Attributes

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**Channel Indicators:** n/a  
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**Concepts:** LAW OF THE SEA, LANDLOCKED COUNTRIES, MEETING PROCEEDINGS  
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**Draft Date:** 09 APR 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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